IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 7259 of 2004(K)

PETITIONER:

SULOCHANA DAMODARAN, W/O.M.K.DAMODARAN MANKUZHI HOUSE, MARATHAKKARA.P.O., THRISSUR.

BY ADV. SRI.I.DINESH MENON.

RESPONDENTS:

1. **THE COMMISSIONER AND SECRETARY, LABOUR DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DISTRICT EXECUTIVE OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, THRISSUR.**

BY ADV. SMT.I.SHEELADEVI, SC,KMTWF BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.7259/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE FINAL DETERMINATION ORDER FOR THE PERIOD 1998-2000 ISSUED TO THE PETITIONER DTD. 29/03/2001.

EXT.P.2: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE R.1. FOR THE PERIOD 1998-2000 DTD. 06/04/2001.

EXT.P.3: COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE R.1. FOR THE PERIOD 1998-2000 DT. 06/04/2001.

EXT.P.4: COPY OF THE ORDER DTD. 17/01/2004 ISSUED BY THE R.1.

RESPONDENT'S ANNEXURE:

ANNEXURE R2.A: COPY OF THE ACKNOWLEDGMENT CARD ISSUED TO THE RESPONDENT.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 7259 OF 2004

Dated this the 1st day of August, 2007.

J U D G M E N T

Petitioner is aggrieved by the steps taken for recovery of dues to the Kerala Motor Transport Workers Welfare Fund.

2. It is seen that the Government has rejected the appeal on the ground of delay. That issue is covered against the petitioner by the decision of this Court reported in ***Kerala Motor Transport W.W.F. Board vs. Government of Kerala*** **(2001 (1) KLT 608)** and on merits it is seen that the petitioner despite receipt of the Provisional Determination Order did not file any objection to the same.

It is also seen from the statement that the petitioner had submitted before the Authority that Sri. Murali and Sri. Pradeep are permanent workers on her vehicle. Thus, there is also no merit on facts in this case. It is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

smp